IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1962 (SS) OF 2005

1. Ramesh Chandra Maurya, S/o Shri Bal Chandra.
2. Akbar Ali, S/o Shri Mohd. Ishaq.
3. Shri Jagdish Rampal, S/o Shri Dukh Haran Ram,
4. Shri Jitendra Singh, S/o Shri Kanta Prasad,

All presently working as Lab Technician at Soban Singh Jina Base Hospital Haldwani, Nainital, District Nainital.

.....Petitioners.

Versus

1. Union of India, through Secretary Ministry of Personnel Public Grievances & Pensions, 3rd Floor Lok Nayak Bhawan Khan Market, New Delhi.
2. The Advisory Committee, State Reorganization Govt. India, Deptt., of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions, 3rd Floor Lok Nayak Bhawan Khan Market, New Delhi.
3. State Advisory Committee Department of U.P., Reorganization Coordination, 716, 7th Floor Vikas Bhawan, Hazrat Ganj, Lucknow U.P.
4. The State of Uttaranchal through Secretary, Medical Health and Family Welfare, Dehradun.
5. Director General Medical Health and Family Welfare, Uttaranchal Chandra Nagar, Dehradun.
6. State of Uttar Pradesh through Secretary Medical Health and Family Welfare Lucknow.
7. Director General Medical Health and Family Welfare, Lucknow. .....Respondents.

16.02.2006

Hon'ble Rajesh Tandon, J.

Heard Sri P.C. Bisht, learned counsel for the petitioner and Mrs. Anjali Bhargava, learned counsel for the Central Government.

By the present writ petition, the petitioner has prayed for a writ of Mandamus commanding the respondents no. 1,2,3,4 and 5 to relieve the petitioners from their place of postings at Soban Singh Jina Base Hospital Haldwani, Nainital and further commanding the respondents no. 6 & 7 to provide them postings in any Govt. Hospital in the same grade within the State of Uttar Pradesh.

Brief facts giving rise to the present writ petition are that the petitioner no. 1 joined as Lab Technician on 18.10.1986 under the order of Director General Medical Health and Family Welfare Lucknow and after appointment he was posted at T.B. Clinic Chamoli, District Chamoli and for the last ten years he has been working at Soban Singh Jina Base Hospital at Haldwani, District Nainital.

The petitioner no. 2 joined on 03.01.1989 as Lab Technician under the order dated 31.12.1988 of the same Director General Medical Health and Family Welfare Lucknow U.P. and as first posting he joined at T.B. Clinic Almora and for the last 7 years he is working at above said Base Hospital Haldwani (Nainital).

Petitioners no. 3 and 4 were appointed under the order dated 16th February, 1996 by the Director (Medical) Uttarakhand, Medical and Health Services Uttar Pradesh. The petitioner no. 3 joined on 12.03.1996 at Primary Heath Centre Gairsain District Chamoli and for the last 8 years, he is working at Base Hospital, Haldwani, Nainital and petitioner no. 4 joined on 11.03.1996 at S.S. Jinat Base Hospital Haldwani Nainital and has been throughout working there since joining.

According to the petitioners, they are permanent resident of State of U.P. and they all have exercised their options for being transferred for the State of U.P. on different dates.

When after a lapse of long period after the creation of State of Uttaranchal, the petitioners were not relieved for the State of U.P., they made a representation dated 07.12.2005 before the Director General Medical Health and Family Welfare Chandar Nagar Dehradun, but till date no decision has yet been taken on that.

The petitioners have further made a representation (Annexure No. 8) along with their option to the Director

General Medical Health and Family Welfare Uttar Pradesh, Swasth Bhawan, Lucknow. The same has not been decided yet.

Liberty is given to the petitioner to file a fresh representation stating his grievances within a period of two weeks from the filing of the certified copy of the order.

Thereafter, the respondents nos. 1 and 2 are directed to consider the representation within a period of six weeks from the filing of the certified copy of the order along with the old representations.

Writ petition is disposed of accordingly. No order as to costs.

(Rajesh Tandon, J.)

16.02.2006
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